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6 Attorneys for Defendant

GUARDSMARK, LLC

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 JOHNNY MCFARLAND, on behalf of
12 himself and all others similarly situated,

13 Plaintiff,

14 vs.

15 GUARDSMARK, LLC, and Does 1
through 50, inclusive,

16 Defendant.

CASE NO. CV 07-03953 PJH

**STIPULATION AND [PROPOSED]
ORDER RE: GUARDSMARK'S MOTION
FOR ATTORNEY'S FEES**

1 WHEREAS, the Court entered judgment in this matter on August 26, 2008, and
2 thus absent an Order of the Court, Guardsmark would need to file a motion seeking some or all of
3 its incurred attorney's fees no later than September 9, 2008;

4 WHEREAS, Defendant Guardsmark, LLC has notified Plaintiff Johnny
5 McFarland of Guardsmark's intent to file a motion seeking some or all of its incurred attorney's
6 fees;

7 WHEREAS, district courts retain jurisdiction to hear post-judgment attorney's fee
8 motions despite a pending appeal of the underlying case. *See, e.g., Masalosalo v. Stonewall Ins.*
9 *Co.*, 718 F.2d 955, 957 (9th Cir. 1983);

10 WHEREAS, counsel for the parties are engaging in the meet and confer process,
11 and counsel for Plaintiff need additional time for internal discussions on the issues raised by
12 Guardsmark, and Guardsmark does not object to such an extension;

13 WHEREAS, Federal Rule of Civil Procedure 54 and Civil Local Rule 54-6 allow
14 the Court, upon stipulation, to extend the 14-day deadline for a party to seek attorney's fees
15 following judgment;

16 WHEREAS, it is understood that Plaintiff has not at this point in any way
17 conceded that Guardsmark is entitled to attorney's fees in this case;

18 WHEREAS, the parties through their counsel of record stipulate to the entry of an
19 order as follows:

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IT IS HEREBY STIPULATED THAT:

The deadline for Guardsmark to file its motion for attorney fees based on the judgment entered in this case is hereby extended by one week to September 9, 2008.

DATED: September 3, 2008

MUNGER, TOLLES & OLSON LLP

By: /s/ Malcolm A. Heinicke
MALCOLM A. HEINICKE

Attorneys for Defendant
GUARDSMARK, LLC

DATED: September 3, 2008

QUALLS & WORKMAN, L.L.P.

By: /s/ Daniel Qualls
DANIEL QUALLS

Attorneys for Plaintiff
JOHNNY MCFARLAND

I, Malcolm A. Heinicke, attest that I have obtained concurrence from Daniel Qualls in the filing of this Stipulation And [Proposed] Order Re: Guardsmark's Motion For Attorney Fees. *See* N.D. Cal. General Order 45 § 10(B).

PURSUANT TO STIPULATION, IT IS SO ORDERED. The deadline for Guardsmark to file its motion for attorney fees based on the judgment entered in this case is hereby extended by one week to September 9, 2008.

DATED:

The Honorable Phyllis J. Hamilton
United States District Judge